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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/037,343
		Filing Date	10/23/2001
		First Named Inventor	Wade C. Patterson
		Art Unit	
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	8215

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign or International Filing <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Statement Accompanying Petition for Revival
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Leslie S. Miller, Esq. Reinhart Boerner Van Deuren s.c.
Signature	
Date	November 2, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Leslie S. Miller
Signature	
Date	November 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MW1139692

JW
DAC

PTO/SB/64a (11-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL
FILING (37 CFR 1.137(f))**

Docket Number (Optional)
8215

First named inventor: Wade C. Patterson

Application No.: 10/037,343

Art Unit: 3754

Filed: 10/23/2001

Examiner: Eric S. Keasel

Title: APPARATUS AND METHOD FOR WIRELESS DATA TRANSMISSION

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS
APPLICATION UNDER 37 CFR 1.137(b)**

1. Petition fee

Small entity - fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1,370.00 (37 CFR 1.17(m))
2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is October 23, 2001.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MW1113073

411/05/2004 HAL111 00000010 10037343

01 FC:1454 1370.00-OP

Void date: 11/05/2004 HAL111 10037343
11/05/2004 HAL111 00000010 -1370.00 OP
01 FC:1454

00000024 10037343

11/05/2004 HAL111
01 FC:1453

1370.00 OP

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

November 2, 2004

Date

Signature

Telephone
Number: (414) 298-8321

Leslie S. Miller

Typed or printed name

1000 North Water Street, Suite 2100

Address

Milwaukee, WI 53202

Enclosures: Fee Payment

- Additional sheets containing statements establishing unintentional delay
- Other : _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 872-9306.

November 2, 2004

Signature

Date

Leslie S. Miller

Typed or printed name of person signing certificate

MW1139458

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FEES TRANSMITTAL for FY 2005

10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$ 1,370.00)

Complete If Known	
Application Number	10/037,343
Filing Date	10/23/2001
First Named Inventor	Wade C. Patterson
Examiner Name	
Art Unit	
Attorney Docket No.	8215

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Other None Order
 Deposit Account:

Deposit Account Number	18-0882
Deposit Account Name	Reinhart Boerner Van Deuren s.c.

The Director is authorized to: (check all that apply)

-
- Charge fee(s) indicated below
-
- Credit any overpayments
-
- Charge any additional fee(s) or any underpayment of fee(s) except for the issue fee
-
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	(\\$)	(\\$)
1001	2001	790	395
1002	2002	350	175
1003	2003	550	275
1004	2004	790	395
1005	2005	160	80
SUBTOTAL (1)		(\$ 0)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		-20 **	Extra Claims	Fee from below	Fee Paid
			= 0	X 0	= 0
Independent Claims		-3 **	= 0	X 0	= 0
Multiple Dependent				X 0	= 0
Large Entity		Small Entity			
Fee Code	Fee Code	(\\$)	Fee Code	(\\$)	Fee Description
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 0)			

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	(\\$)	(\\$)
1051	130	2051	65
1052	50	2052	25
1053	130	1053	130
1812	2,520	1812	2,520
1804	920*	1804	920*
1805	1,840*	1805	1,840*
1251	110	2251	55
1252	430	2252	215
1253	980	2253	490
1254	1,530	2254	765
1255	2,080	2255	1,040
1401	340	2401	170
1402	340	2402	170
1403	300	2403	150
1451	1,510	1451	1,510
1452	110	2452	55
1453	1,370	2453	685
1501	1,370	2501	685
1502	490	2502	245
1503	660	2503	330
1460	130	1460	130
1807	50	1807	50
1806	180	1806	180
8021	40	8021	40
1809	790	2809	395
1810	790	2810	395
1801	790	2801	395
1802	900	1802	900
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3)			(\$ 1,370.00)

SUBMITTED BY

Complete (if applicable)

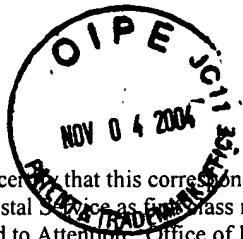
Name (Print/Type)	Leslie S. Miller	Registration No. (Attorney/Agent)	30,662	Telephone	414-298-8321
Signature				Date	November 2, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MW1139691



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Reinhart Boerner Van Deuren s.c.

By: Leslie S. Miller
Leslie S. Miller

Date: November 2, 2004

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3754

EXAMINER: ERIC S. KEASEL

In re application of: Wade C.)	For: APPARATUS AND METHOD
Patterson and Thomas J. Watson)	
)	FOR WIRELESS DATA
Application No: 10/037,343)	TRANSMISSION
)	
Filed: 10/23/2001)	
)	
Attorney Docket No.: 8215)	
)	

Commissioner for Patents
Attention: Office of Petitions
Mail Stop Petition
P.O. Box 1450
Alexandria, VA 22313-1450

November 2, 2004

STATEMENT ACCOMPANYING PETITION FOR REVIVAL
OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN
OR INTERNATIONAL FILING UNDER 37 C.F.R. 1.137(f)

Sir:

In an Office Action dated June 2, 2004, the Examiner noted that Applicants' nonpublication request in the present patent application was not rescinded, that the

invention disclosed in the present patent application is the subject of WO 2002/061955, EP 1330882, and AU 2002249880, and that there was no notification of the foreign (or multilateral) filings. Accordingly, it was indicated that the application would be held abandoned, and that Applicants should file a petition under 37 CFR 1.137(b)(f).

Applicants' undersigned attorney has taken over the prosecution of the present patent application and a number of other related patent applications, and recently reviewed and began a response to the June 2, 2004, Office Action in the present patent application. Following a review of the patent application and the foreign (and multilateral) filings referenced by the Examiner, it appears that the Examiner is indeed correct. Review of a number of related patent applications which are commonly owned and directed to related subject matter, as well two issued patents which are also commonly owned and directed to related subject matter, have the same error in that they also requested nonpublication and failed to rescind the nonpublication request in a timely fashion.

Applicants' undersigned attorney has spoken with members of the U.S. Patent and Trademark Office Office of Petitions, including Mr. Jayprakash N. Gandhi, Mr. Paul A. Shanoski, and Mr. Mark O. Polutta regarding the various cases. Applicants greatly appreciate the kind assistance afforded by these individuals. It has come to the attention of Applicants' undersigned attorney in the course of these discussions that a number of attorneys and firms have made such mistakes.

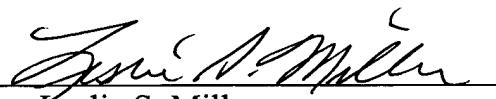
The failure to rescind the request not to publish was inadvertent and not intended by Applicants. A copy of a Petition for Revival of an Application for Patent Abandoned for Failure to Notify the Office of a Foreign of International Filing (Form PTO/SB/64a) and the requisite fee of \$1,370.00 is enclosed herewith. The U.S. Patent and Trademark Office is also authorized to charge any additional fee(s) required to restore the present patent application to pending status, or to credit any overpayment, to Deposit Account No. 18-0882.

Simultaneously with the filing of this petition, an Amendment A and an extension of time of two months in responding to the Office Action of June 2, 2004, are being filed. Since this Petition must be sent to a different mail stop than the Amendment A and extension of time, they are not enclosed herewith, but rather are being sent separately. It is believed that the extension of time included with Amendment A is sufficient to extend the time for response for this Petition for Revival as well. Should that be incorrect, an extension of one month is being requested for the filing of this Petition to Revive, and the U.S. Patent and Trademark Office is also authorized to charge the fee for that extension to Deposit Account No. 18-0882.

Accordingly, Applicants respectfully request favorable consideration of the Petition to Revive and restoration of the present patent application to pending status. Should the Office of Petitions believe that the restoration of the present patent application

to pending status may be expedited by a telephonic discussion, the Office of Petitions is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

BY 
Leslie S. Miller
Attorney for Applicants
Registration No. 30,662

Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 2100
Milwaukee, WI 53202

(414) 298-8321

Customer No. 22922

MW/1139459